IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	CASE NO.: 1:94CR168
	)	
Plaintiff,	)	JUDGE DONALD C. NUGENT
	)	
v.	)	
	)	
NAJEH OTTALLAH,	)	MOTION IN OPPOSITION TO BOND
	)	
Defendant.	)	

Now comes the United States of America, by and through its counsel, Carole S. Rendon, Acting United States Attorney, and Karrie D. Howard, Assistant United States Attorney, and moves this Court to deny Defendant's motion for bond for the reasons contained in the instant memorandum.

Respectfully Submitted,

CAROLE S. RENDON
Acting United States Attorney

By: /s/ Karrie Howard

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MEMORANDUM

On May 27, 1994, Najeh Ottallah pleaded guilty to one count of Conspiracy to Commit Crimes Against the United States in violation of Title 18, United States Code, Section 371, by means of committing the underlying offense of Illegally Trafficking in Food Stamps in violation of Title 7, United States Code, Section 2024(b); and two counts of Attempting to Evade or Defeat Income Tax in violation of Title 26 United States Code, Section 7201, with each offense carrying a maximum statutory penalty of 5 years imprisonment, a maximum fine of $250,000 and three (3) years of supervised release. Prior to entering this, plea Ottallah entered into a plea agreement with the United States which provided a sentencing Guidelines level of 23, with a three (3) level reduction for acceptance of responsibility resulting in a Guidelines level of 20. After honoring the plea agreement Ottallah was to be credited an additional one (1) level reduction for substantial assistance pursuant to U.S.SG. § 5K1.1, thereby with a Guidelines level of 19, Criminal History Category I and a Guidelines sentencing range of 21-27 months.

On August 25, 1994, Ottallah requested that the Court grant him permission to travel outside of the United States, to Jerusalem for two-weeks. In his request Ottallah stated that, he requested permission "in order to travel with his wife and one of his children to visit his wife's family…in Israel." Ottallah further stated that, "…he and his family are American citizens and have their permanent home in the United States…owns property in the Cleveland area…has roots within the community and evidenced no risk of flight…[and that he] will clearly be returning to Cleveland in that only one of his four (4) children would be traveling with him and his wife." Ottallah closed his request by stating that he, "poses this motion in good faith…" Najeh Ottallah's motion was granted by the Court. Once Ottallah's motion was granted, Ottallah failed to honor his good faith motion and remained a fugitive for more than 20 years.

Ottallah now wants this Court to take him at his word. Ottallah having been a fugitive in Israel for more than 20 years, with property, family, roots, and permanent home in the Cleveland area evidences his being a flight risk. Furthermore, Ottallah would have this Court believe that he voluntarily turned himself in to the United States Consulate in Jerusalem. This is not entirely true. Ottallah was arrested while attempting to procure a passport from the Israeli authorities when the Israelis were notified of his outstanding warrant for the instant matter. Ottallah was placed under arrest and turned over to U.S. authorities for transport back to the United States. Again Ottallah is attempting to mislead the Court

For more than 20 years, Ottallah could have returned to the United States to close this matter and failed to do so. He misled the Court in 1994 and abused its leniency when it granted his permission to travel outside the United States. Ottallah has not provided sufficient justification for his having fled or for having avoided sentencing for more than 20 years. In order to ensure the Defendant's presence for the conclusion of the instant matter his Motion for Bond should be denied.

Respectfully Submitted,

CAROLE S. RENDON
Acting United States Attorney

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CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of June 2016 a copy of the foregoing document was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's system.

/s/ Karrie Howard
Karrie Howard
Assistant U.S. Attorney